

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

TERI LYNN ROSALES,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 1:23-CV-00224 MTS

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On December 22, 2023, the Court received a letter from movant inquiring whether he could be eligible for relief under the new Sentencing Guidelines allowing for reductions under “4C1.1 part 2.” Movant is referring to the United States Sentencing Guidelines, as amended on November 1, 2023.

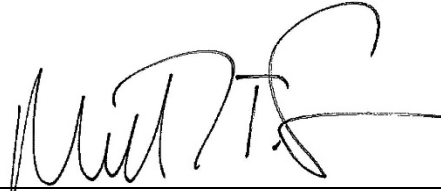
The Clerk docketed movant’s letter as a pro se motion to vacate, set aside or correct sentence brought pursuant to 28 U.S.C. § 2255, and this case was opened. However, the Court finds that movant is seeking relief under Amendment 821 to the United States Sentencing Guidelines. As such, the claim is better suited for a motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2), which authorizes defendants who have been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission to move for a sentence reduction. *See* 18 U.S.C. § 3582(c)(2).

For this reason, the Court finds that this case should be administratively closed, as it was opened as a due to a clerical error, and movant’s letter should be filed as a pro se motion to reduce sentence under Amendment 821 in his criminal case. *See United States v. Rosales*, No. 1:22-CR-00019 MTS (E.D. Mo.).

Accordingly,

IT IS HERBY ORDERED that the Clerk is directed to **administratively close** this case and file movant's letter, Doc. [1], as a pro se motion for reduction of sentence under Amendment 821. *See United States v. Rosales*, No. 1:22-CR-00019 MTS (E.D.Mo.).

Dated this 2nd day of January, 2024.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE